

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

**REMARKS/ARGUMENTS****I. Status of the Application**

Claims 1-21 are pending in this application. In the May 31, 2005 Office Action, the Examiner:

A. Rejected claim 21 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;

B. Rejected claims 1, 7-10, 14 and 18-20 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 5,810,605 to Siefert in view of U.S. Patent 6,112,049 to Sonnenfeld;

C. Rejected claim 2 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 5,810,605 to Siefert in view of U.S. Patent 6,112,049 to Sonnenfeld, and further in view of U.S. Patent 6,260,041 to Gonzalez et al;

D. Rejected claims 3, 11 and 15 as allegedly being unpatentable over U.S. Patent 5,810,605 to Siefert in view of U.S. Patent 6,112,049 to Sonnenfeld, and further in view of U.S. Patent 6,773,266 to Dornbush et al.;

E. Rejected claims 4, 12, 13 and 16 as allegedly being unpatentable over U.S. Patent 5,810,605 to Siefert in view of U.S. Patent 6,112,049 to Sonnenfeld and U.S. Patent 6,773,266 to Dornbush et al., and further in view of U.S. Patent 6,884,074 to Theilmann; and

F. Rejected claims 5, 6 and 17 as allegedly being unpatentable over U.S. Patent 5,810,605 to Siefert in view of U.S. Patent 6,112,049 to Sonnenfeld, and further in view of

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

U.S. Patent 6,884,074 to Theilmann.

II. Claim 21 Is Not Indefinite Under §112, Second Paragraph

In the May 31, 2005 Office Action, the Examiner rejected claim 21 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner has objected to the term "accepted" in the phrase "accepted security measures." Applicant has amended claim 21 to remove the term "accepted." Claim 21 now provides the limitation of "maintaining individual records of all pertinent data for access through security measures".

In view of the above, it is respectfully submitted that claim 21 is now not indefinite. Withdrawal of the rejection to claim 21 under §112 is thus respectfully requested.

III. Claims 1, 7-10, 14 and 18-21 Are Not Obvious Over Siefert and Sonnenfeld

A. The Claims

1. Claim 1

In the May 31, 2005 Office Action, the Examiner rejected independent claim 1 as allegedly unpatentable under §103(a) over U.S. Patent 5,810,605 to Siefert (hereinafter, "Siefert") in view of U.S. Patent 6,112,049 to Sonnenfeld (hereinafter, "Sonnenfeld"). Applicant respectfully submits that independent claim 1 is not obvious over Siefert and

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

Sonnenfeld. Particularly, the combination of Siefert and Sonnenfeld does not teach or render obvious various limitations of independent claim 1.

Applicant agrees with the Examiner that Siefert discloses a method of teaching that includes establishing a learning profile regarding a user and providing learning material from content on a computer network to the user based on the learning profile. Applicant also agrees that Sonnenfeld teaches a method of testing a user on material through the Internet. These teachings, however, do not address every limitation that is recited in independent claim 1. From a larger perspective, these teachings do not teach or suggest the present invention.

The present invention and independent claim 1 provides for locating *potential* learning material from an Internet site. The located learning material is *potential* because it may or may not be provided to the user depending on its content characteristics and correlation to the user's learning profile. Claim 1 further provides for obtaining data from the Internet site regarding content characteristics of the located potential learning material. This step of obtaining content characteristic data regarding the potential learning material from the Internet site on which the potential learning material is located is not taught or suggested by either of Siefert or Sonnenfeld.

It is clear from the Examiner's reasons for rejection of independent claim 1 (see 5-31-05 Office Action pages 2-3) that this limitation was not even considered when making the obviousness rejection since the Office Action is silent on the matter. The Examiner does not indicate that either Siefert or Sonnenfeld teaches this limitation, which they do not. This limitation, however, is what allows the identification of appropriate learning material from the

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

potential learning material that is found on the Internet. Particularly, independent claim 1 also includes the limitation of identifying learning material for the user by correlating the obtained data from the Internet site regarding the content characteristics of the located potential learning material with the learning proclivities of the learning profile of the user. Thus, in this manner, learning material (out of the potential learning material on the Internet) is identified that is appropriate for presentation to the user because of the user's learning proclivities, through data about the potential learning material obtained from the particular Internet site. The identified learning material is then provided to the user.

Since neither Siefert or Sonnenfeld discuss obtaining content characteristic data for potential learning material from the Internet site on which the potential learning material is located, nor can Siefert or Sonnenfeld discuss identifying learning material for the user by correlating the obtained content characteristic data of the potential learning material with the learning proclivities of the user since neither Siefert or Sonnenfeld obtains content characteristic data, a prima facie case of §103 obviousness of claim 1 has not been established by the Examiner. Therefore, in view of the above, Applicant respectfully requests withdrawal of the §103(a) rejection of claim 1 and reconsideration thereof.

## 2. Claims 7-9

Each of claims 7-9 includes independent claim 1 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claims 7-9, and is therefore incorporated herein by reference. As a result, each

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

of claims 7-9 are allowable over the combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 1.

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claims 7-9 and reconsideration thereof.

### 3. Claim 10

In the May 31, 2005 Office Action, independent claim 10 was also rejected by the Examiner as allegedly being obvious over the combination of Siefert and Sonnenfeld. Independent claim 10 is similar to independent claim 1 by having the limitations of: 1) obtaining data regarding content attributes of scanned potential learning material from the Internet site having the potential learning material; and 2) correlating the stored obtained data regarding content attributes of the scanned potential learning material with learning proclivities of a user. Therefore, the reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claim 10, and is hereby incorporated herein by reference. Particularly, as shown above, neither Siefert or Sonnenfeld teach or suggest these limitations.

Therefore, in view of the above, Applicant respectfully request the withdrawal of the §103(a) rejection of claim 10 and reconsideration thereof.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

#### 4. Claim 14

In the May 31, 2005 Office Action, independent claim 14 was also rejected by the Examiner as allegedly being obvious over the combination of Siefert and Sonnenfeld. Independent claim 14 is similar to independent claim 1 by having the limitations of: 1) determining attributes of the scanned content from its data site; and 2) correlating the stored data regarding the attributes of the scanned content with learning proclivities of a user stored in a learning profile of the user. Therefore, the reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claim 14, and is hereby incorporated herein by reference. Particularly, as shown above, neither Siefert or Sonnenfeld teach or suggest these limitations.

Therefore, in view of the above, Applicant respectfully request the withdrawal of the §103(a) rejection of claim 14 and reconsideration thereof.

#### 5. Claims 18-21

Each of claims 18-21 includes independent claim 14 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 14 is thus applicable to the patentability of claims 18-21, and is therefore incorporated herein by reference. As a result, each of claims 18-21 are allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 14.

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claims 18-21 and reconsideration thereof.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

IV. Claim 2 Is Not Obvious Over Siefert, Sonnenfeld and Gonzalez

In the May 31, 2005 Office Action, the Examiner rejected claim 2 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and further in view of U.S. Patent 6,260,041 to Gonzalez et al. (hereinafter, "Gonzalez"). Applicant respectfully submits that claim 2 is not obvious over Siefert, Sonnenfeld and Gonzalez. Particularly, the combination of Siefert, Sonnenfeld and Gonzalez does not teach or render obvious various limitations of claim 2.

Claim 2 includes independent claim 1 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claim 2, and is therefore incorporated herein by reference. As a result, claim 2 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 1.

Gonzalez is cited for the teaching of the use of a bot to search the Internet. While Applicant agrees that Gonzalez teaches the use of a bot to search the Internet, Gonzalez does not teach or suggest the shortcomings of Siefert and Sonnenfeld as pointed out above. Therefore, the combination of Siefert, Sonnenfeld and Gonzalez cannot render claim 2 obvious.

Moreover, it appears as if the Examiner is citing and applying references that do not take into account the present invention as a whole as is required under a §103 analysis. Thus, while the references may show some of the component parts of the present invention, they do



Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

not teach or suggest the present invention as a whole, nor has the Examiner explained how the references provide such teaching other than to indicate the teaching and "it would have been obvious to make the combination." The court has stated that "in making the assessment of differences, section 103 specifically requires consideration of the claimed invention 'as a whole.' Inventions typically are new combinations of existing principles or features. Envtl. Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 698 (Fed. Cir. 1983) (noting that "virtually all [inventions] are combinations of old elements.")). The "as a whole" instruction in title 35 prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention into its component parts (A + B + C), then find a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention obvious. This form of hindsight reasoning, using the invention as a roadmap to find its prior art components, would discount the value of combining various existing features or principles in a new way to achieve a new result – often the very definition of invention." see Ruiz, et al. v. A.B. Chance Co. xx F.3d xx, (Fed. Cir. 2004).

The court still further indicated that "section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole. This court has provided further assurance of an 'as a whole' assessment of the invention under § 103 by requiring a showing that an artisan of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would select the various elements from the prior art and combine them in the



Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

claimed manner. In other words, the examiner or court must show some suggestion or motivation, before the invention itself, to make the new combination. See In re Rouffet, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998). Ruiz, et al. v. A.B. Chance Co. xx F.3d xx, (Fed. Cir. 2004).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 2 and reconsideration thereof.

V. Claims 3, 11 and 15 Are Not Obvious Over Siefert, Sonnenfeld and Dornbush

1. Claim 3

In the May 31, 2005 Office Action, the Examiner rejected claim 3 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and further in view of U.S. Patent 6,773,266 to Dornbush et al. (hereinafter, "Dornbush"). Applicant respectfully submits that claim 3 is not obvious over Siefert, Sonnenfeld and Dornbush. Particularly, the combination of Siefert, Sonnenfeld and Dornbush does not teach or render obvious various limitations of claim 3.

Claim 3 includes independent claim 1 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claim 3, and is therefore incorporated herein by reference. As a result, claim 3 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 1. Dornbush, while teaching the use of an object model database, provides no motivation for combining the teaching thereof with Siefert and

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

Sonnenfeld. However, even if it did, Dornbush does not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Moreover, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 3 in that Dornbush is used only to indicate that relational databases and object model databases are known. There is no suggestion or motivation for combining Dornbush with Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a relational database and an object model database for the purpose of storing data related to educational material delivered over a computer network" (see 5-31-05 Office Action, page 4).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 3 and reconsideration thereof.

## 2. Claim 11

In the May 31, 2005 Office Action, the Examiner rejected claim 11 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and further in view of U.S. Patent 6,773,266 to Dornbush et al. (hereinafter, "Dornbush"). Applicant respectfully submits that claim 11 is not obvious over Siefert, Sonnenfeld and Dornbush. Particularly, the combination of Siefert, Sonnenfeld and Dornbush does not teach or render obvious various limitations of claim 11.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

Claim 11 includes independent claim 10 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 10 is thus applicable to the patentability of claim 11, and is therefore incorporated herein by reference. As a result, claim 11 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 10. Dornbush, while teaching the use of an object model database, provides no motivation for combining the teaching thereof with Siefert and Sonnenfeld. However, even if it did, Dornbush does not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Moreover, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 11 in that Dornbush is used only to indicate that relational databases and object model databases are known. There is no suggestion or motivation for combining Dornbush with Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a relational database and an object model database for the purpose of storing data related to educational material delivered over a computer network" (see 5-31-05 Office Action, page 4).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 11 and reconsideration thereof.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

### 3. Claim 15

In the May 31, 2005 Office Action, the Examiner rejected claim 15 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and further in view of U.S. Patent 6,773,266 to Dornbush et al. (hereinafter, "Dornbush"). Applicant respectfully submits that claim 15 is not obvious over Siefert, Sonnenfeld and Dornbush. Particularly, the combination of Siefert, Sonnenfeld and Dornbush does not teach or render obvious various limitations of claim 15.

Claim 15 includes independent claim 14 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 14 is thus applicable to the patentability of claim 15, and is therefore incorporated herein by reference. As a result, claim 15 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 14. Dornbush, while teaching the use of an object model database, provides no motivation for combining the teaching thereof with Siefert and Sonnenfeld. However, even if it did, Dornbush does not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Moreover, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 15 in that Dornbush is used only to indicate that relational databases and object model databases are known. There is no suggestion or motivation for combining Dornbush with Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

combination with Sonnenfeld by providing a relational database and an object model database for the purpose of storing data related to educational material delivered over a computer network" (see 5-31-05 Office Action, page 4).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 15 and reconsideration thereof.

VI. Claims 4, 12, 13 and 16 Are Not Obvious Over Siefert, Sonnenfeld, Dornbush and Theilmann

1. Claim 4

In the May 31, 2005 Office Action, the Examiner rejected claim 4 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld, Dornbush and further in view of U.S. Patent 6,884,074 to Theilmann (hereinafter, "Theilmann"). Applicant respectfully submits that claim 4 is not obvious over Siefert, Sonnenfeld, Dornbush and Theilmann. Particularly, the combination of Siefert, Sonnenfeld, Dornbush and Theilmann does not teach or render obvious various limitations of claim 4.

Claim 4 includes independent claim 1 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claim 4, and is therefore incorporated herein by reference. As a result, claim 4 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 1. Dornbush, while teaching the use of an object model database, and Theilmann teaching metadata, provide no motivation for combining the

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

teachings thereof with Siefert and Sonnenfeld. However, even if they did, Dornbush and Theilmann do not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Again, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 4 in that Dornbush and Theilmann are used only to indicate that relational databases, object model databases and metadata are known. There is no suggestion or motivation for combining Theilmann with Dornbush, Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld and Dornbush by providing a metadata for the purpose of quickly correlating data related to educational material delivered over a computer network" (see 5-31-05 Office Action, pages 4-5).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 4 and reconsideration thereof.

## 2. Claims 12 and 13

In the May 31, 2005 Office Action, the Examiner rejected claims 12 and 13 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld, Dornbush and further in view of U.S. Patent 6,884,074 to Theilmann (hereinafter, "Theilmann"). Applicant respectfully submits that claims 12 and 13 are not obvious over Siefert, Sonnenfeld, Dornbush and Theilmann. Particularly, the combination of Siefert, Sonnenfeld, Dornbush and Theilmann does not teach or render obvious various limitations of claims 12 and 13.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

Claims 12 and 13 include independent claim 10 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 10 is thus applicable to the patentability of claims 12 and 13, and is therefore incorporated herein by reference. As a result, claims 12 and 13 are allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 10. Dornbush, while teaching the use of an object model database, and Theilmann teaching metadata, provide no motivation for combining the teachings thereof with Siefert and Sonnenfeld. However, even if they did, Dornbush and Theilmann do not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Again, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claims 12 and 13 in that Dornbush and Theilmann are used only to indicate that relational databases, object model databases and metadata are known. There is no suggestion or motivation for combining Theilmann with Dornbush, Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld and Dornbush by providing a metadata for the purpose of quickly correlating data related to educational material delivered over a computer network" (see 5-31-05 Office Action, pages 4-5).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claims 12 and 13 and reconsideration thereof.



Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

### 3. Claim 16

In the May 31, 2005 Office Action, the Examiner rejected claim 16 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld, Dornbush and further in view of U.S. Patent 6,884,074 to Theilmann (hereinafter, "Theilmann"). Applicant respectfully submits that claim 16 is not obvious over Siefert, Sonnenfeld, Dornbush and Theilmann. Particularly, the combination of Siefert, Sonnenfeld, Dornbush and Theilmann does not teach or render obvious various limitations of claim 16.

Claim 16 includes independent claim 14 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 14 is thus applicable to the patentability of claim 16, and is therefore incorporated herein by reference. As a result, claim 16 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 14. Dornbush, while teaching the use of an object model database, and Theilmann teaching metadata, provide no motivation for combining the teachings thereof with Siefert and Sonnenfeld. However, even if they did, Dornbush and Theilmann do not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Again, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 16 in that Dornbush and Theilmann are used only to indicate that relational databases, object model databases and metadata are known. There is no suggestion or motivation for combining Theilmann with Dornbush, Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld and Dornbush by providing a metadata for the purpose of quickly correlating data related to educational material delivered over a computer network" (see 5-31-05 Office Action, pages 4-5).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 16 and reconsideration thereof.

VII. Claims 5, 6 and 17 Are Not Obvious Over Siefert, Sonnenfeld and Theilmann

1. Claims 5 and 6

In the May 31, 2005 Office Action, the Examiner rejected claims 5 and 6 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and Theilmann. Applicant respectfully submits that claims 5 and 6 are not obvious over Siefert, Sonnenfeld and Theilmann. Particularly, the combination of Siefert, Sonnenfeld and Theilmann does not teach or render obvious various limitations of claims 5 and 6.

Claims 5 and 6 include independent claim 1 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 1 is thus applicable to the patentability of claims 5 and 6, and is therefore incorporated herein by reference. As a result, claims 5 and 6 are allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 1. Theilmann, while teaching metadata, provides no motivation for combining the teachings thereof with Siefert

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

and Sonnenfeld. However, even if it did, Theilmann does not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Again, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claims 5 and 6 in that Theilmann is used only to indicate that metadata is known. There is no suggestion or motivation for combining Theilmann with Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a metadata for the purpose of quickly correlating data related to educational material delivered over a computer network" (see 5-31-05 Office Action, page 5).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claims 5 and 6 and reconsideration thereof.

## 2. Claim 17

In the May 31, 2005 Office Action, the Examiner rejected claim 17 as allegedly unpatentable under §103(a) over Siefert, Sonnenfeld and Theilmann. Applicant respectfully submits that claim 17 is not obvious over Siefert, Sonnenfeld and Theilmann. Particularly, the combination of Siefert, Sonnenfeld and Theilmann does not teach or render obvious various limitations of claim 17.

Claim 17 includes independent claim 14 as a base claim. The reasoning set forth above with regard to the patentability of independent claim 14 is thus applicable to the

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

patentability of claim 17, and is therefore incorporated herein by reference. As a result, claim 17 is allowable over combination of Siefert and Sonnenfeld for at least the reasons hereinbefore discussed with regard to independent claim 14. Theilmann, while teaching metadata, provides no motivation for combining the teachings thereof with Siefert and Sonnenfeld. However, even if it did, Theilmann does not overcome the shortcomings of the combination of Siefert and Sonnenfeld.

Again, the "as a whole" reasoning as set forth above regarding the patentability of claim 2 is further applicable to the patentability of claim 17 in that Theilmann is used only to indicate that metadata is known. There is no suggestion or motivation for combining Theilmann with Siefert and Sonnenfeld. Again, the Examiner merely provides the rote statement that "it would have been obvious to one of ordinary skill in the relevant art to modify the method disclosed in Siefert as viewed in combination with Sonnenfeld by providing a metadata for the purpose of quickly correlating data related to educational material delivered over a computer network" (see 5-31-05 Office Action, page 5).

In view of the above, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 17 and reconsideration thereof.

Application No. 10/662,033  
Response to Office Action of May 31, 2005

1693-0005

VIII. Conclusion

It is respectfully submitted that all claims are in condition for allowance. Accordingly, Applicants respectfully request withdrawal of all rejections and objections, reconsideration of all claims, and that a timely Notice of Allowance of all claims be issued in this case.

Respectfully Submitted,

July 14, 2005  
Date



Bruce J. Bowman  
Attorney for Applicant  
Registration No. 35,458

Bowman & Associates  
1016 3<sup>rd</sup> Ave. SW Suite 205  
Carmel, IN 46032  
(317) 571-9301 phone  
(317) 571-9302 fax